

## REMARKS

Pursuant to 37 CFR § 1.121, a “VERSION WITH MARKINGS TO SHOW CHANGES MADE” is enclosed, following these remarks.

Claims 1-4 and 7-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,913,239 to Bayh, III.

Claim 1 now calls for “...a conduit *having a wall surface*...means removably fixed *to said wall surface of* said conduit for holding said plurality of cables in spaced-apart disposition across said conduit.”

In contrast, the “means removably fixed to the conduit” identified in Bayh, III by the Office Action is actually an electrical connector 45 suspended within the tubing string 20 from a power cable 30 (column 3, lines 8-19). More specifically, column 3, lines 49-68 through column 4, lines 1-8 teaches that the connector 45 is mechanically attached to the lower end of a solid mandrel 42 by locking rings 37 and 38 by set screws 39. The upper end of the solid mandrel 42 is attached to a tubular housing 41 of a cable anchor assembly 40, which is suspended from the power cable 30. Hence, the electrical connector 45 in Bayh, III is not removably fixed to the wall surface of the conduit as presently claimed, therefore, the invention recited in amended claim 1 is not anticipated by Bayh, III.

Claims 2-4 and 7-8 are also not anticipated by Bayh, III by virtue of their dependence from amended base claim 1. Moreover, claims 2-4 and 7-8 recite other features which are clearly not taught by Bayh, III. For example, Bayh, III does not teach the claimed platform, the claimed threaded pipe couplers, the claimed brackets removably fixing the platform across the conduit, or the means for strain relieving the cables.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection of claims 1-4 and 7-8 using Bayh, III is respectfully urged.

Claims 5, 6 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bayh, III. This rejection is inapplicable to claims 5, 6 and 9 because they depend from allowable amended claim 1. Therefore, the arguments set forth above with respect to claim 1 also apply to claims 5-6 and 9. Additionally, claims 5-6 and 9 recite other features which are clearly not taught or suggested by Bayh, III. For example, Bayh, III does not teach or suggest the claimed cable sheathing, the claimed threaded pipe fittings, or the claimed pipe fittings threadedly engaged with the pipe couplers.

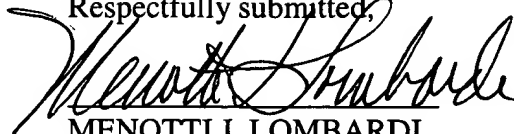
Since, claims 5-6 and 9 are patentable over Bayh, III, reconsideration and withdrawal of the 35 U.S.C. 103(a) rejection of these claims is respectfully urged.

The prior art made of record and not relied upon is deemed to neither teach nor suggest the claimed invention.

It is respectfully submitted that all outstanding issues have been addressed herein and that claims 1-9 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or there matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact Applicant's undersigned attorney at his number listed below.

A fee for a two month extension of time is due as a result of this communication. The Commissioner is hereby authorized to charge this fee and any other fees which may be required or credit any overpayment to Deposit Account No. 09-0949.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Menotti J. Lombardi", written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

The following marked-up claims correspond to the replacement claims of this amendment.

- 1.(TWICE AMENDED) A cables arrester, in combination with an energized-fluid conduit, comprising:
  - a conduit having a wall surface, the conduit for conducting an energized fluid therethrough;
  - a plurality of power cables confined within said conduit; and
  - means removably fixed [in] to said wall surface of said conduit for holding said plurality of cables in spaced-apart disposition across said conduit.